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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6 DANIEL SMITH,

7                   Plaintiff,

v.

8 TAMMY NIKULA, DENNIS CHERRY,  
9 PAT GLEBE, JOHN DOE, JANE DOE,

10                  Defendants.

No. C12-5774 RBL/KLS

ORDER DENYING MOTION TO  
RESCIND ORDER STAYING  
DISCOVERY AND GRANTING MOTION  
FOR EXTENSION OF TIME

11                  Before the Court are Plaintiff's motion to rescind prior order staying discovery and a  
12 motion for a 30 day extension of Plaintiff's deadline to file an amended complaint. ECF Nos. 21  
13 and 23.

14                   **DISCUSSION**

15                  The Court stayed discovery in this matter pending resolution of the Defendants' motion  
16 to dismiss. ECF No. 15. On February 26, 2013, the Court issued its Order dismissing the  
17 Plaintiff's due process claims with prejudice and ordering the Plaintiff to file an amended  
18 complaint to cure the deficiencies and support his First Amendment (retaliation), Eighth  
19 Amendment (cruel and unusual punishment) and negligent supervision claims. ECF No. 17.  
20 Plaintiff was given a deadline of April 22, 2013 to file his amended complaint or face dismissal  
21 of the remaining claims. ECF No. 20.

22                  Plaintiff has not yet submitted an amended complaint and now seeks a second extension  
23 of his deadline to do so based on continuing settlement negotiations between the parties. ECF  
24 No. 23.

25                   ORDER - 1

1 Accordingly, it is **ORDERED**:

2 (1) Plaintiff's motion to rescind prior order staying discovery (ECF No. 21) is  
3 **DENIED**.

4 (2) Plaintiff's motion for an extension (ECF No. 23) is **GRANTED**; Plaintiff shall  
5 file his Amended Complaint on or before **May 24, 2013**.

6 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for  
7 Defendants, and to the Hon. Karen L. Strombom.

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10 **DATED** this 24th day of April, 2013.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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